IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.480/2006

Shankar Lal S/o late Shri Moolchand Mahajan
...defendant-appellant
Versus
Bhanwar Lal Saranka S/o Sunder Lal
...plaintiff-respondent

Date of Order ::: 26.10.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Prem Kumar Sharma, Counsel for defendant-appellant
Shri Sudesh Bansal, Counsel for plaintiff-respondent
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By the Court:-

Heard learned counsel for the parties.

The plaintiff-respondent filed a suit for eviction in respect of the rented premises, which was decreed by the lower court on the ground of default in making the payment of monthly rent as well as bona-fide necessity of the plaintiff-respondent. The finding of the lower court has been affirmed by the first appellate court also.

The learned counsel for the defendant-appellant has argued the matter at length but after considering his submissions I find that all the controversial issues involved in the present case are relating to

question of facts. The question of bona-fide necessity as well as second default in making the payment of rent are question of facts in the facts and circumstances of the present case and there is concurrent finding of facts by both the courts below, which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is dismissed at admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

//Jaiman//